



One Broadway
New York, NY 10004-1050
212.425.7200
Fax 212.425.5288

Fax Transmission

From: **Josephine Hardy**
for Kevin Godlewski

Date: September 3, 2003

Direct Dial: 212.908.6437

Fax: 212.425.5288

Client/Matter: 22750/487

Serial No.: 09/898,700

Group No.: 1771

Total number of pages: 04
(including cover)

RECEIVED
SEP 12 2003
TC 1700

Please deliver to:

Name	Company	Fax	Phone
Jennifer A. Boyd	U.S. Patent and Trademark Office	703-872-9306	703-305-7082

Comments:

Attached are the documents (Response to Restriction Requirement and Request for Extension of Time) mailed on April 1, 2003 (and received by the PTO on April 7, 2003, postcard attached) on April 7, 2003.

OFFICIAL

RECEIVED
SEP 04 2003
CENTRAL FAX CENTER

☐ Original will not follow ☐ Original will follow by ☐ Regular Mail ☐ Overnight Delivery ☐ Hand Delivery

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.

New York Washington, DC Silicon Valley www.kenyon.com

Received from <212 425 5288> at 9/3/03 4:01:25 PM [Eastern Daylight Time]

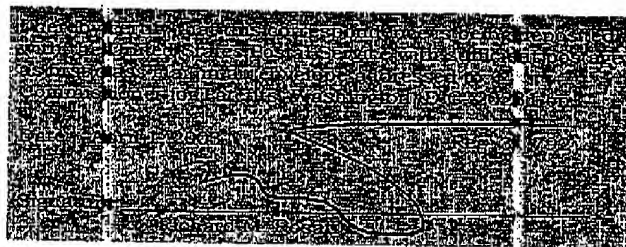
Docket No.: 22750/487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Manfred JOST et al.
Serial No. : 09/898,700
Filed : July 3, 2001
For : FUSIBLE WATER-SOLUBLE EMBROIDERY
LINER
Group Art Unit : 1771
Examiner : Jennifer A. BOYD

RECEIVED
SEP 12 2003
TC 1700

Commissioner for Patents
Washington D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT
AND REQUEST FOR EXTENSION OF TIME**

SIR:

Applicants respectfully request a one-month extension of time in which to respond to the office action mailed on February 6, 2003, for which a one-month response period expiring on March 6, 2003 was set. The extended period expires on April 6, 2003. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.136 extension fee of **\$110.00** to the Deposit Account of **Kenyon & Kenyon**, Deposit Account number **11-0600**. The office is also authorized to charge any additional fees, or credit overpayments, associated with this paper to Deposit Account **11-0600**. A duplicate copy of this form is enclosed.

In response to the requirement for restriction mailed on February 6, 2003, Applicants elect, with traverse, claims 1-9 (i.e., Group I)

572983v1

for further prosecution on the merits. However, it is respectfully submitted that the restriction requirement should be withdrawn for the following reasons.

In support of the requirement, the Office Action states that the inventions of Groups I and II are distinct from each other. However, restriction under 35 U.S.C. § 121 can be made only if two inventions are both independent and distinct. "Independent", as defined in the MPEP (for purposes of restriction practice) means that "there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect." (emphasis added). MPEP § 802.01. It is submitted that the inventions of Groups I and II are not independent because the method of claims 10-14 is specially adapted to make the fusible embroidery liner of claims 1-9. Indeed, claims 10-14 are ultimately dependent from claim 1.

In addition, examination of the claims of Group I (claims 1-9) would involve searching all of the Patent and Trademark Office classes and subclasses in which the claims of Group II (claims 10-14) are also classified. Therefore, the same patentability search would embrace both the fusible embroidery liner and its method of manufacture. Actually, the claims bear such relation to one another as to bring them within the bounds of a single invention.

For the preceding reasons, the restriction requirement between the claims of Group I and the claims of Group II should be withdrawn.

Respectfully submitted,

Dated: April 1, 2003

OFFICIAL

KENYON & KENYON
By: Richard M. Rosati
Reg. No. 31,792

CUSTOMER NO. 26646
PATENT TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

SEP 04 2003

572983v1

2

RECEIVED
SEP 12 2003
TC 1700

Case No. 22750/487

Atty: RMR

Ser. No. 09/898700

Due Date 4/1/03

The Impressed Mail Room date stamp acknowledges receipt of the
date indicated of:

☐ Application☐ Amendment☐ Assignment☐ Notice of Appeal☐ Prior Art Statement☐ Appeal Brief☒ Extension Request☐ Priority Document☐ Issue Fee☐ Declaration☐ Small Entity☒ Sup Act #11-2600☒ Response to Restriction

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
SEP 04 2003